



Environmental Planning Commission

***Agenda Number: 4
Project Number: 1004679
Case Number: 10EPC-40001
March 11, 2010***

Staff Report

<i>Agent</i>	None
<i>Applicant</i>	Thomas Gutierrez
<i>Request</i>	Zone Map Amendment
<i>Legal Description</i>	Lots 1 – 4, Campbell Estates
<i>Location</i>	Campbell Rd. NW between Trellis Dr. and Calle del Rio
<i>Size</i>	Approximately 1.3 acres
<i>Existing Zoning</i>	RA-2 Residential Agricultural
<i>Proposed Zoning</i>	SU- for Residential Assisted Living

Staff Recommendation

DEFERRAL of 10EPC-40001, based on the Findings beginning on Page 20.

Staff Planner

Carol Toffaleti, Planner

Summary of Analysis

The request is a zone map amendment from RA-2 to SU-1 for Residential Assisted Living for Lots 1 – 4, Campbell Estates, a site of approximately 1.3 acres located on Campbell Rd. NW between Rio Grande Blvd. and the Albuquerque Riverside Drain. The applicant wishes to build 4 residential care homes for seniors, with up to 15 residents each, which exceeds the total of ten permitted on a site in the RA-2 zone. An illustrative site development plan was provided that meets the minimum requirements for a change to SU-1 zoning.

The site is in the Established Urban Area of the Comprehensive Plan and within the boundaries of the North Valley Area Plan.

The applicant's justification per R-270-1980 is deficient because it lacks clear citations for some applicable city policies and sound arguments on all significant issues relevant to the request.

Property-owners within 100', the Alvarado Gardens & Thomas Village NAs and the North Valley Coalition were notified. A facilitated meeting was held on 2/22 and many written comments have been received since. There is widespread opposition from property-owners and residents on Campbell Road and the wider neighborhood. A deferral is recommended to allow the applicant to complete their justification and for applicant and staff to better address neighborhood issues.

Location Map (3" x 3")

I. AREA CHARACTERISTICS

Surrounding zoning, plan designations, and land uses:

	<i>Zoning</i>	<i>Comprehensive Plan Area; Applicable Rank II & III Plans</i>	<i>Land Use</i>
<i>Site</i>	RA-2	Established Urban Area; North Valley Area Plan	vacant, except for perimeter wall
<i>North</i>	SU-1 for PRD/48 du's	same	single family residential
<i>South</i>	RA-2	same	single family residential
<i>East</i>	RA-2	same	same
<i>West</i>	RA-2	same	same

II. INTRODUCTION

Request

The request is a zone map amendment from RA-2 to SU-1 for Residential Assisted Living for Lots 1 – 4, Campbell Estates, a site of approximately 1.3 acres located on Campbell Rd. NW between Trellis Dr. and the Albuquerque Riverside Drain east of the Rio Grande.

The applicant is requesting the zone change because, although the use is allowed in the RA-2 zone, the number of residents in the facility (up to 60) would exceed the total of 10 residents that are permissive per the zoning district and regulations for Community Residential Programs. The applicant intends to build four units, each with 10 bedrooms and a central communal area for up to 15 older residents. The future operator owns and operates 5 assisted living homes in residential neighborhoods of Albuquerque. They provide 24-hour assistance with activities of daily living for ambulatory and non-ambulatory seniors, typically over 70 years in age, and on-call medical care as well as other services.

If the current request is approved, the applicant is required to return to the EPC within 6 months for site development plan approval, in order to complete the zone change. The applicant is applying for the request separately, to determine if the zone change is acceptable in principle before preparing a full site development plan. However, the applicant provided an illustrative site plan for informational purposes. It contains the information for a site development plan for subdivision, which fulfills the minimum requirement of a zone change to SU-1.

The site is in the Established Urban Area of the Comprehensive Plan and within the boundaries of the North Valley Area Plan.

Over the course of the review, it was clarified that the “applicant” consists of the two property-owners, i.e. P. Thomas Gutierrez and Gerald S. Maestas, and the potential future operator of the facility, Albuquerque Preferred Assisted Living represented by Matt Ayers. It was also brought to staff’s attention that John Dugas is also the applicant’s business partner in the project and signed the cover letter included in the application.

Context

To the north of the site, across Campbell Rd, is the Rio Grande Compound, a gated community of approximately 58 dwelling units, on a site of 11 acres zoned SU-1 for PRD. To the south is Thomas Village Estates, a subdivision of single-family homes in a suburban-style layout on lots of approximately ¼ acre each, zoned RA-2. To the east are two single-family homes, on lots of approximately 1/3 acre and 1 acre respectively, zoned RA-2. To the west, is a single-family home and accessory structures on two lots zoned RA-2, totaling approximately 2.5 acres.

Campbell Road is a residential street that dead-ends to the west, although pedestrians have access there to the Bosque trail and city open space along the Rio Grande. The stretch of Campbell west of Rio Grande Blvd. is over ½ mile long. Two connecting streets on the north side, Glenwood Road and Trellis Drive, link Campbell directly with Candelaria Rd., which lies approximately ¼ mile to the north. The subject site is located close to the west end of Campbell. There are no through-streets off the south side of Campbell. Speed bumps were installed on Campbell Rd. prior to 1994, but the Traffic Engineering Division has no further data on file. There are also speed bumps on Trellis Drive and Oro Vista, which is parallel to and north of Campbell.

With the exception of the Rio Grande Compound, that extends from Trellis Drive to the Albuquerque Riverside Drain and is zoned SU-1 for PRD, properties along either side of Campbell Road are zoned RA-2. These properties are diverse in terms of their size and the type of residential development they contain. Focussing on the area near the subject site on the north side of the block and west of Glenwood Rd., there are several single family homes, one mobile home park and the Rio Grande Compound. On the south side of the street, there is a private commons development, several single family homes and three small mobile home parks. The mobile home parks are non-conforming uses. Some properties are open to public view from the street, while others are behind solid walls. Lot sizes range from less than 0.15 acres in the Rio Grande Compound to around 2.5 acres for the largest mobile home park. The square footage of homes also exhibits diversity, from single-wide mobile homes to houses of up to around 5,000 sf. Most of the lots on the south side of Campbell Rd. are long and narrow, with the narrow frontage on the street. However, some of the lots, including the subject site, have been subdivided into up to 4 lots, that are aligned more or less perpendicularly to Campbell and share an access drive off the public right-of-way.

History

The 2006 aerial photo on the City's AGIS indicates that the subject site contained a house, garden and accessory structures, and an open field at the rear. In 2007, the Development Review Board (DRB) approved a minor subdivision of the site into 4 lots (#1004679, 07DRB-00071, 09-26-07, recorded 10-12-07). The site was subsequently cleared, a drive was built to access the lots from Campbell Road, and a perimeter wall was built around the site. The drive is a private roadway easement known as Ornella Lane.

Zoning and platting actions in the surrounding area include the following:

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- In 1983, two adjacent properties on the north side of Campbell Rd. between the Albuquerque Riverside Drain and Trellis Drive zoned SU-1 were consolidated into a single 11-acre site and rezoned SU-1 for PRD (73 DU's); a site development plan was also approved (Z-82-69, 10/19/1983 & Z-82-69-1, 7/1/1983). The property was eventually developed as the Rio Grande Compound.
 - In 2000, the DRB approved a lot split of the adjoining property to the east (lot 14a) into two lots (#1000153, 7/21/2000).
 - In 2002, a 5-acre property at the southwest corner of Campbell Rd. and the Duranes Ditch was subdivided into 14 residential lots and two common areas on either side of a private easement, Calle Tranquillo, to form a Private Commons Development (#1001349, 02DRB-00900, 6/11/2002).
 - In 2004, a lot split for a 1-acre property on the south side of Campbell Rd. was approved (#1002339, 04DRB-00450, 4/7/4004).
 - In 2005, a subdivision design variance was approved for a 1-acre property to the west of the commons development (#1003694, 05DRB-00614, 4/21/2005).

Transportation System

The *Long Range Roadway System* (LRRS 2004) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways.

Campbell Road is a local street.

The *Long Range Bikeway System* designates existing bike lanes on Campbell Rd., which connect to the Bosque Trail at the west end of the road.

The nearest *Transit* route is the #36 Rio Grande/12th Street, which operates Monday – Saturday on Rio Grande Blvd., in a southbound direction only. Rio Grande Blvd. is approximately 2/3 mile from the subject site.

Public Facilities/Community Services

City-owned Open Space along the Rio Grande, including the Bosque Trail, is in close proximity to the subject site. Fire station #10 and Los Duranes Community Center are within 1 mile of the site.

Definitions

Community Residential Program (CRP)– A dwelling unit(s) providing to its residents a planned program of care consisting of full-time programmatic supervision, counseling and/or therapy, and assistance in the development of daily living skills; such residence and program is provided to persons who are physically disabled, developmentally disabled, psychiatrically disabled, have drug or alcohol problems, are under the legal custody of the state, are minors with social and/or behavioral problems; or are persons who have disabilities associated with aging. A community residential program does not include skilled nursing care. (§14-16-1-5)

In this case, the request is for a community residential program to assist older persons with daily living. The applicant has stated that licensed Assisted Living facilities in NM are allowed to perform long term care since they provide 24 hour care from a trained caregiver and an administrator with an on-call nurse. However, unlike assisted living homes, nursing homes can also provide feeding tubes and ventilator care.

III. ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES

Albuquerque Comprehensive Zoning Code

The existing zoning is *RA-2 Residential and Agricultural* zone (§14-16-2-5, att.), which provides sites for low density houses and uses incidental thereto, including agriculture. Clustering of houses is permitted. Permissive uses on the subject site are those of the RA-1 zone, which allows uses permissive in the R-1 zone and commercial agricultural activity provided the lot has an area of at least one acre. A community residential program with up to 10 client residents is permissive, with the exception of programs for substance abusers and ex-offenders.

In the RA-2 zone, structures shall not exceed 26 ft in height, except as provided in the Supplementary Height, Area and Use Regulations (§14-16-3-3). Minimum lot size shall be 0.25 acre and minimum lot width 75 ft. Setbacks are the same as in the R-1 zone, except the rear-yard setback shall be at least 25 ft. Private Commons Developments are permitted on sites of at least 2 acres.

In addition, the subject site is designated “W7”. This indicates it is in a *Wall Overlay Zone* (WOZ) that allows walls up to 7 ft high even in the front yard, provided they do not violate clear sight triangles at the site drive (§14-16-2-28(A)). Note that all the RA-2 zoned properties on either side of Campbell Rd. between Glenwood Rd. and Calle del Rio are in this WOZ (see zoning map at front of staff report).

The proposed *SU-1 Special Use* zone provides suitable sites for uses which are special because of “infrequent occurrence, effect on surrounding property, safety, hazard, or other reasons, and in which the appropriateness of the use to a specific location is partly or entirely dependent on the character of the site design” (§14-16-2-22, att.). The proposed SU-1 for Residential Assisted Living zoning would fall under (A)(35) of the zone, i.e. “Use combinations not adequately allowed and controlled in other zones, relative to a specific site. Signs as permitted and regulated by the Planning Commission.” Staff believes that the proposed use is “special” in that it is a kind of hybrid between a residential and institutional use, and that its appropriateness is partly dependent on site design.

In all SU-1 zones, off-street parking provision is at the EPC’s discretion and building height refers to the R-2 zone unless modified by the EPC. The EPC typically considers the off-street parking provision that is normally required for a proposed use by zoning regulations, in deciding how to apply their discretion.

In addition to being regulated by the future site development plan approved by the EPC, the residential assisted living use would be regulated by the Zoning Enforcement Officer under the

Community Residential Program Regulations (§14-16-3-12, att.). Code Enforcement provided a copy of their booklet on CRP and Emergency Shelter Regulations and Applications/Review Procedures (att.). The site is located in Council District 2. A CRP on the subject site would meet the separation and density limits in (A)(7) and (8) of the CRP regulations, because it is more than 1,500 ft away from the nearest existing CRP, Casa de Carino at 2908 Indian Farm Lane NW, and the density of CRPs in District 2 is 12, which is half the allowed density (ref. p. 30 and 28 of the booklet). As already stated in this staff report, although the type of CRP proposed is permissive in the RA-2 zone, the size of the facility is not, due to the number of residents—hence the request for a zone change.

Resolution 270-1980

This Resolution outlines policies and requirements for deciding zone map change applications pursuant to the Comprehensive City Zoning Code. There are several tests that must be met and the applicant must provide sound justification for the change. The burden is on the applicant to show why a change should be made, not on the City to show why the change should not be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: there was an error when the existing zone map pattern was created; or changed neighborhood or community conditions justify the change; or a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

Analysis of Applicant's Justification

The applicant provided a justification for the zone change in their application and in supplemental, amended information received on 2/26/10.

Note: Applicant's justification is summarized in regular text; ***staff's analysis is in bold italics***

- A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city.

There is tremendous demand for residential assisted living in the Albuquerque area. These kinds of facilities are able to provide a safe, healthy environment because of the strict regulatory operating requirements. With the expected growth in the city's population, which the 2010 census will show, and the needs of "baby boomers", there will be a need for long term care in quality environments over the next 20 years.

The proposed zone change will have some, but minimal, impacts on local public facilities. The size of the units may generate slightly more traffic than single family homes, which would create wear and tear on roads, although tax assessments will also be higher to help pay for this. The proposed use will not impact on local schools, but future development would contribute funds to them, which is an advantage for Albuquerque Public Schools (APS). Fire and police services will be used just as any larger homes or small commercial business would. The facilities would be fully sprinkled which increases the safety factor. Any drainage would be handled on the site, with the use of ponding areas if needed. The property

comes with water rights [from the acequia at the rear of the site], and the future development would include natural landscaping rather than agriculture, which would save water from the river environment.

Staff generally agrees that the proposed zone change is generally consistent with the health, safety, morals and general welfare of the city. However, the argument that the zone change would save river water is not convincing, because an alternative development of four single family homes with xeriscaping, for example, would use an equivalent amount of water as the proposed use.

- B. Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.

The current RA-2 zoning allows residential assisted living, but only up to 10 residents. The proposed zone change would allow more seniors to take part. The change would stabilize the area by allowing long-term residents to stay in the neighborhood, as the need for long-term care arises. The proposed zoning is specifically for Residential Assisted Living.

Surrounding properties include rental properties to the east and west of the site, the All Faiths Receiving Home at 3001 Trellis Rd. and the Veranda Compound Townhomes [north of Candelaria Rd.]. The “square footage to person” ratio for the townhomes and the assisted living homes would be similar. There is a mix of semi-urban and rural uses in the area. The facility resulting from the zone change would have less impact than the mobile home parks or apartment-type housing in the area.

The 1.3 acre site has four lots already prepared for home construction. The change would enable future development of four units with 15 beds [residents] each. A facility of this size is more financially viable, improves operations and can provide more services and activities to enhance the residents’ experience.

The proposed facility is not a large commercial project, and would fit well in the neighborhood. The units would be under 5,000 sf each. Most of the larger homes in the area are 2,500 to 4000 sf, but there are some over 5000 sf., and the styles are Mediterranean, Northern New Mexican and Southwestern. The future development would be one of these styles, and have similar landscaping and driveways.

The zone change would help stabilize the area in different ways: by contributing more property taxes that support public facilities; providing a needed service and housing opportunity in the area; and developing vacant land, which as is does not support property values and encourages illegal dumping and vagrancy.

Staff agrees in part with the points made by the applicant:

The proposed zoning would provide certainty as to use, because of the specific type of facility allowed and the oversight provided by the state and city for these types of facilities. In addition, the SU-1 Special Use zoning requires approval of a site development plan by the EPC through a public hearing process, which allows for input from city departments,

other agencies and the neighborhoods. The site development plan is another vehicle for controlling the land use and design of the development, including the site layout and landscaping.

Although the predominant zoning is RA-2 along Campbell Road, and in the Alvarado Gardens neighborhood that extends northward, there is a mix of residential uses and development types in the area. The mix in the RA-2 zoning on Campbell Road includes four small mobile home parks and a private commons development, as well as homes on lots ranging from 1/4 acre to over 2 acres. Several properties on the south side of Campbell Rd. have been subdivided similarly to the subject site, to build two to five smaller lots for homes. There is also a gated community at the west end of the street of a higher density (58 units on 11 acres gross) zoned SU-1 for PRD. The applicant's illustrative site plan indicates their intention of building 4 structures on the subject site, of a similar size to the larger homes in the area and in a compatible architectural style.

There are a few inaccuracies in the discussion. The Executive Director of the All Faiths Receiving Home informed staff that their facility on Trellis Drive, despite being zoned SU-1 for Children's Home & Planned Residential Development (PRD), does not currently have a residential component (see att.). The Veranda Compound Townhomes mentioned by the applicant are within an R-2, not an RA-2, zone and are located in the northeast corner of Alvarado Gardens at a considerable distance from the subject site. (R-2 zoning allows houses, townhouses and medium-density apartments.) Finally, staff is not aware of any "apartment-type housing" in the vicinity of the site.

The proposed zone change may facilitate earlier development of the site, given the current slump in demand for new single family homes. The property was cleared around 3 years ago, after it was replatted. While the current situation is not desirable from an economic and visual standpoint, staff does not find it a compelling argument for a zone change given the relatively short period the site has been vacant.

- C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments thereto, including privately developed area plans which have been adopted by the city.

Albuquerque / Bernalillo County Comprehensive Plan

The subject site is located in the area designated Established Urban by the *Comprehensive Plan* with a Goal to "create a quality urban environment, which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment."

The applicant cited the following policies to justify the request:

Policy II.B.5.a: The Developing Urban and Established Urban Areas as shown by the Plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.

The project would have four dwellings on the 1.2 acre parcel and will not exceed this density.

Staff agrees that the illustrative plan is consistent with the policy, but the requested zoning does not specify the maximum number of dwellings (and/or residents) that would be permitted on the site. Without more specificity, it is difficult to evaluate the request against this policy.

Policy II.B.5.d: The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.

The assisted living homes will mirror existing home development in the area in terms of design, landscaping and quality. Although larger than the average home, they are not larger than many single family dwellings built in the area. The homes would be built by a local builder of custom homes, and they would be managed and operated by a local company that runs several successful homes in the Albuquerque and Las Cruces areas.

The illustrative site plan indicates that the square footage and height of the dwelling units would be compatible with the existing neighborhood. However, as stated above, the requested zoning does not indicate the number of dwellings and residents that would be permissive on the site. Only more specificity in the SU-1 zoning descriptor, e.g. "...for Residential Assisted Living (max. 4 units/60 residents)" would provide more assurance. In addition, there is neighborhood opposition to the location and proposed intensity of the project, which indicates that the zone change does not respect the values of a considerable number of property-owners and residents in the area, primarily in the Alvarado Gardens neighborhood.

Since the applicant intends to submit a full site development plan at a later date, the detailed site layout and architectural and landscape design of the future development are hypothetical at this time. The future submittal would be reviewed by the EPC in accordance with city planning policies and relevant general zoning regulations, including the CRP requirements that the design (setbacks, percent impervious area, landscaping, architecture, etc.) is compatible with the characteristics of the surrounding neighborhood.

The SU-1 for Residential Assisted Living zoning would be tied to the land, not to a specific operator. The state licensing requirements and the city's community residential program regulations would be relevant to assuring the quality of the operation over the long term and that it is a "good neighbor" within the local community.

Policy II.B.5.e: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

The property was intended for development of custom homes. The zone change would allow development of land that is vacant due to the current economic environment, and increase tax revenues and jobs.

Staff believes that the zone change is likely to facilitate earlier development of vacant land, which may be desirable for the wider community. In addition, the land is contiguous to existing urban facilities and services. However, the applicant did not discuss the issue of ensuring the integrity of the existing neighborhood. This is important, given the strong opposition to the request from property-owners and residents in the area.

Policy II.B.5.h: Higher density housing is most appropriate in the following situations:

• ...

- In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing area land uses and where adequate infrastructure is or will be available.

...

The area is comprised of high-end custom homes both inside and outside gated communities, vacant land, rental property and mobile home parks. The project will blend into the neighborhood and enhance the trend toward new custom homes. It would allow seniors in the area to stay there, instead of living in a nursing home.

It is not clear to staff that this policy is relevant to the request, because the glossary in the Comprehensive Plan defines density as “a numeric average of...individuals,...or housing structures per unit of land; usually refers to dwelling units per acre in the Comprehensive Plan”. The number of residents (15 per unit) shown on the illustrative site plan may be considered higher density, but not the 4 housing structures per acre which conforms to lot size in the RA-2 zone. Again, the requested zoning does not currently specify the permitted number of structures and residents, although this information could be added.

Policy II.B.5.o: Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.

The project is in line with the overall rehabilitation of this older established neighborhood. It will enhance the feel of the neighborhood, raise overall property values and maintain the long-term population base.

Staff believes that the zone change does not conflict with this policy, because it is more likely than the existing zoning to facilitate redevelopment of a vacant site in an older neighborhood in the short to medium term. The effect of the zone change on surrounding property values is not known and is not an appropriate issue for EPC consideration. Whether the proposal enhances the feel of the neighborhood will depend to a considerable degree on the future site development plan.

North Valley Area Plan (Rank 2)

The North Valley Area Plan (NVAP) was adopted in 1993. The Plan generally encompasses properties South of the Bernalillo/Sandoval County line, North of Interstate Highway 40, West of Interstate Highway 25 and East of the Rio Grande. The area addressed by the Plan is 28.5 square miles. Of that total area, 4.01 square miles are within the corporate limits of the Village of Los Ranchos de Albuquerque and not subject to the Plan. Of the remaining area,

14.38 square miles are within the City of Albuquerque, and 10.15 square miles are within unincorporated Bernalillo County. Specific boundaries are shown on page 24 of the Plan.

The process used to develop the Plan is based on Sustainable Community Development principles, which are used to describe the economic and cultural growth gained through the retention and stewardship of local resources. Community building is a necessary step in economic development wherein residents and businesses communicate and structure mutually beneficial exchanges (including site development).

Goal 2: To preserve and enhance the environmental quality of the North Valley Area by:

- a) Maintaining the rural flavor of the North Valley
- b) Controlling growth and maintaining low density development
- c) Providing a variety of housing opportunities and life styles including differing socioeconomic types
- d) Reducing noise level impacts

The applicant states under Section D in the justification, that they propose to create a home-like atmosphere that does not currently exist in the North Valley, for seniors that have been affected with diseases normally associated with aging and for respite care of caregivers.

In relation to Goal 2.b, Staff finds that a zone change per se is not necessary to create a residential assisted living home in the area, because it is a permissive use in the existing zone, all other residential zones and the O-1 Office zone. The CRP booklet published by Code Enforcement indicates that there are four other CRPs for seniors in Council District 2, where the site is located. The requested zone change would allow for a larger CRP than is normally allowed and yet not on a scale typical of nursing homes. This may add to the variety of housing opportunities and life styles in the North Valley.

In Chapter I – Introduction, the plan sets out three alternative futures for land uses in the valley: the Trend Scenario, Comprehensive Plan Scenario and Preferred Scenario. The second and third scenarios emphasize different degrees of sustainable community development and the third is the scenario of choice.

The applicant has cited the following plan elements and policies to justify the request:

Albuquerque/Bernalillo County Comprehensive Plan Scenario (CP):

Housing - ...new residential growth in the Semi-Urban and Rural portions in the North Valley would be integrated into existing neighborhoods and clustered to retain open land.

This element is not applicable because the subject site is in the Established Urban Area not the Semi-Urban or Rural Areas designated by the CP.

Commercial Uses - ...Most commercial development would be oriented to the local service needs of residents...

Preferred Scenario:

Commercial Uses - New commercial uses in the valley would meet local neighborhood needs...

(Applicant:) The request is for residential assisted living in four homes on a 1.2 acre parcel that would serve seniors within the community and is more consistent with these scenarios than a large-scale facility on Rio Grande Blvd.

If the proposed use and zoning are categorized as "commercial", then staff would agree that they are consistent with the two scenarios because they are oriented to serving a local need for assisted living in the North Valley. Staff finds that it is difficult to match the request, which is more a hybrid of housing and institutional uses, to the land use categories discussed in the plan.

Zoning and Land Use Policy 2 – The City and County shall stabilize residential zoning and land use in the North Valley Area.

f. Undertake a planning process for areas of ...and Mid-North Valley West to address ... redevelopment of vacant land, affordable housing, ...and other issues. (p. 61)

The applicant argues that the proposed zoning would allow a more affordable option for seniors in need, than a nursing home or 24-hour home care, and it would be provided in a home-like environment.

Policy 2.f is intended to encourage a planning process rather than provide guidance for land use decisions, but staff acknowledges that the request may create a more affordable option for senior housing with care than typical alternatives. The applicant did not address the issue of stabilization. The proposed use is permissive in principle in the existing residential/agricultural zone. Note also that, if the zoning for this CRP is approved on the subject site, no new CRP of any kind would be allowed within 1,500 ft under the Zoning Code. Nevertheless, the density of the facility shown on the illustrative site plan, in terms of lot coverage and number of residents and staff, may be considered out of character in this neighborhood of the North Valley.

Housing Policy 4: The County and City shall remove disincentives, provide incentives, and/or require housing development which meets the Cluster Housing Principles of preserving open land, providing new housing at appropriate densities, lower infrastructure costs, and design flexibility and creativity.

The applicant states that the development will consist of quality, well-designed homes with lower infrastructure costs.

Staff does not consider the applicant's focus on design relevant, because the current request is limited to the zone change. The applicant also cited b. of this policy, which is not applicable because it refers to the County Zoning Ordinance.

The applicant discusses the economic development advantages of the facility in terms of employment opportunities and supporting the city's tax base, but did not cite any supporting policies in the Comprehensive Plan.

In conclusion, staff considers that the applicant has not provided a complete response to this section of R-270-1980.

- D. The applicant must demonstrate that the existing zoning is inappropriate because:
1. There was an error when the existing zone map pattern was created; or
 2. Changed neighborhood or community conditions justify the change; or
 3. A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other city master plan, even though (D)(1) or (D)(2) above do not apply.

The applicant reiterated why the proposed use category is more advantageous to the community, as articulated in CP policies a. and d. for the Established Urban Area and in other planning policies discussed under Section C. The zone change would also: create a home-like atmosphere for senior care that does not currently exist in the North Valley; and be economically advantageous, by contributing 30 to 40 new jobs and add to the city's tax base.

Staff finds that the applicant has partly, but not adequately, demonstrated the merits of the request relative to the existing zoning, because policies to back up their arguments about human services and economic development are not cited in Sections C and/or D. In addition, it seems incorrect to state there are no other such facilities in the area, given that four CRPs for seniors in Council District 2 are listed in Code Enforcement's booklet of CRPs (att, see p. 30). Clarification is required on this issue.

- E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.

In relation to potential traffic impacts, the applicant points out that the city does not require a traffic impact study for the proposed use and size of the project. They claim that there are five routes to reach the site on Campbell Rd. They also provides data on the work shifts and number of trips by staff and visitors for the proposed facility, which indicate that the majority occur outside peak hours. The data has been verified by the Traffic Engineer in their own trip generation comparison (see att.)

Staff finds that the traffic data are useful and most of the arguments are valid. However, staff believes that a more accurate representation of the routes to the site are: two access points off Rio Grande Blvd (Candelaria and Campbell), two direct routes between Candelaria and Campbell, and several optional secondary routes. Note that, depending on their ultimate destination from Rio Grande Blvd, motorists may favor Glenwood as a sub-route because, unlike Trellis and Oro Vista, it does not have any speed bumps. The applicant has not addressed other potential impacts of the request, such as: whether the commercial/institutional character of the use is compatible with the neighborhood; noise impacts; and overdevelopment of the site. These are among the concerns of adjacent property-owners and the neighborhood. Staff acknowledges that there has been a lack of time to respond to all the concerns raised.

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- F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be:

1. Denied due to lack of capital funds; or
2. Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.

The zone change will not result in unprogrammed capital expenditures by the City.

Staff agrees.

- G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

The applicant states that the cost of land or other economic considerations is not the determining factor for the zone change.

Staff concurs that such considerations shall not be the determining factor for justifying the request.

- H. Location on a collector or major street is not in itself sufficient justification for apartment, office, or commercial zoning.

The applicant is not requesting a zone change due to location on a major street.

Staff agrees that this is not applicable to the request.

- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when:

1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

The proposed SU-1 zone would facilitate realization of the Comprehensive Plan and other applicable plans. It would allow the development of a residential, senior assisted living community that would serve the needs of seniors and/or their relatives in the North Valley in a way that is not being accommodated at this time. It could be done without changing the aesthetics of the neighborhood, because the four units would match existing construction in the area and the number normally allowed on a 1.2 acre property. The zone change would also contribute to the tax base and to economic development through new jobs.

Staff agrees that the use could help realize city policies, but significant questions about the compatibility of the size and design of the proposed facility with the surrounding neighborhood remain unanswered. The details normally provided in a site development

plan would help answer them and, to some degree, so would limits within the zoning descriptor on the number of units and residents.

- J. A zone change request, which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial zoning will be approved only where:
1. The change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan; and
 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

This section is not applicable.

Staff agrees.

In conclusion, staff finds that the applicant has provided several sound arguments but, overall, has not provided an adequate justification for the zone change per R-270-1980.

IV. ANALYSIS - ILLUSTRATIVE SITE DEVELOPMENT PLAN FOR SUBDIVISION

The applicant provided a revised site plan, with revisions mainly to the text on the plan.

Site Plan Layout

The site is approximately 1.3 acres, with a frontage of 100 ft on Campbell Rd. and a depth of approximately 565 ft. A private acequia runs along the rear of the site. The illustrative layout indicates that four units would be built on the site, in two phases. The location of the units mirrors the current subdivision of the site into 4 lots. However, if the zone change is approved, the City would require a replat into one lot to correspond to the zone boundary and this would provide more flexibility in the site design.

Each unit would accommodate up to 15 residents. The applicant clarified that each unit would have 10 bedrooms, 5 of which could be shared.

The maximum height is proposed at 18 ft, i.e. one story. The proposed setbacks are based on the entire site and correspond to those of the RA-2 zone. The different side setbacks reflect that there is an existing site drive along the east boundary that pushes 3 units to the west and that would remain as is. Staff notes that the placement of Unit 4 does not comply with the 25' rear setback and would need to be moved to the north.

Although not required, the plan also shows areas for off-street parking and landscaping, including courtyards.

The dimensions of the units are called out, but the square footage of each unit is not provided. The applicant has stated they will be under 5,000 sf each for a maximum of 20,000 sf. This would result in a floor area ratio (FAR) of 0.46, and a lot coverage of under one half.

Vehicular and Pedestrian Access

Vehicular access is from an existing 24' drive off Campbell Rd. at the east edge of the site. The drive is known as Ornella Lane and is a private roadway easement.

Pedestrian access includes an existing sidewalk on Campbell Rd. that connects to an internal walkway.

Staff considers that the illustrative site plan includes the minimum information required for a zone change to SU-1 per the Zoning Code, but that, in this case, it does not provide sufficient detail to enable the EPC to make an informed decision on the request.

V. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies/Pre-Hearing Discussion

Comments begin on p. 23. There are significant comments from Zoning Code Services and Long Range Planning. Zoning Code Services refers to the SU-1 and Community Residential Program regulations in the Zoning Code. Long Range Planning states that it is difficult to evaluate the appropriateness of the proposed zoning and use in this location without a complete site development plan.

Neighborhood/Public

Property-owners within 100', the Alvarado Gardens and Thomas Village NAs and the North Valley Coalition were notified of the request. The subject site is on the south side of Campbell Rd., within a band of overlap between the Alvarado Gardens and the Thomas Village NAs. The Rio Grande Compound Homeowners' Association (HOA) north of the subject site is in the process of registering with the city's Office of Neighborhood Coordination, according to the Vice-President.

A facilitated meeting was held on Feb. 22nd with participation from the Alvarado Gardens NA, Rio Grande Compound HOA, Rio Grande Blvd. NA and Rincon del Rio community (off Glenwood Dr., northeast of site). The meeting report is attached. Attendance was higher than anticipated when the room was booked, and around 20 people could not participate, including neighbors from Campbell Rd. and a member of the Coalition. Comment and sign-up sheets were available for these people to fill in and provide their email address in order to receive the meeting report. Many issues were raised and discussed, but attendees felt the session was too short to deal with all their questions and concerns. All attendees were opposed to the request. The operator has offered to attend board meetings of individual neighborhood associations and to take residents on tours of their existing facilities. Per the operator, those offers had not been taken up as of 2/26/10.

Written questions and comments were received from adjoining property-owners and a number of property-owners and/or residents of the area, primarily in the Alvarado Gardens neighborhood and the Rio Grande Compound. All expressed opposition to the request. Two sets of comments were signed or echoed by several residents. To-date the boards or officers of the two affected

associations, Alvarado Gardens and Thomas Village, have not submitted collective positions on the proposal.

Staff reviewed and organized the comments by common, related issues, and responds as follows:

- a. Request for deferral to consider comments and concerns.

Staff is recommending deferral.

- b. Traffic impact of project

As pointed out by several residents, the City does not typically consider the cumulative impacts of development and activity on traffic in an area. In relation to a new project, the City considers its impact on peak traffic flows. To put the project's impact in perspective, the Traffic Engineer staff has prepared a vehicle trip generation comparison between 4 single family detached homes and an assisted living facility with 60 beds (see att.). The comparison is in two parts: one is based on standard data from the Institute of Transportation Engineers (ITE); and the second is based on trip and employee shift information provided by the applicant, which city staff increased by 20% to account for miscellaneous trips. The comparison indicates that the Average Daily Trips (ADTs) for the facility would increase by 5 trips in the AM peak (7-9AM) and either increase by 9 or decrease by 2 in the PM peak (4-6PM). The Traffic Engineer is prepared to answer questions about their findings at the EPC hearing.

- c. Neighborhood traffic study/Traffic safety

There are existing speed bumps on Campbell Rd. and on other streets to the north in the Alvarado Gardens neighborhood, which suggests a study may have been conducted at one time. Traffic Engineering Division of the Department of Municipal Development (DMD) informed staff that the speed bumps were originally installed prior to 1994 and that they have no data on file for the project. They advise that residents concerned about traffic safety can go to the Traffic Engineering Division's page on the city's website for information on Neighborhood Traffic Management and/or contact their City Councilor. Also note that the City Council recently created a study group to revisit City policy regarding traffic calming in residential areas (R-09-17, att.).

The Transportation Planning Division of the DMD informed staff that the more recent road project on Campbell Rd. (2- 3 years ago) was initiated by the Water Utility Authority, designed with considerable input from surrounding residents and property-owners, and undertaken in conjunction with DMD. As a result, the west end of Campbell Rd. (west of Trellis) is narrower than standard and has one on-street bike lane, a segregated trail on the other side, and no on-street parking.

- d. Lack of parking/No on-street parking on Campbell Rd.

The zone change to SU-1 requires approval of a full site development plan. One element is sufficient off-street parking to support development within the context specific to a site. The EPC would take into consideration whether on-street parking is available, and any related access and circulation factors, such as whether the facility is gated.

- e. Noise from delivery trucks, emergency vehicles, trash and laundry pick-up

The operator has stated there would be few delivery/pickup and emergency vehicles trips, based on their other operations. The Solid Waste Department informed staff that, based on a total square footage of 20,000 sf and 60 residents, standard requirements would be a double refuse enclosure and a commercial pick-up service.

Further information on these issues is warranted.

- f. Will not preserve rural character of neighborhood and Bosque/Size of units is not typical of area

Without further policy evaluation and a full site development plan detailing the site layout and landscaping, it is difficult to evaluate whether a future facility of 4 units with 60 residents can preserve the rural character of this North Valley neighborhood.

- g. Size of each home and density of project (in terms of residents and staff) make it less of a residential and more of an institutional setting

To date, Code Enforcement (CE) staff's position has been that the proposed use would be considered a community residential program rather than an institutional use under the Zoning Code. Staff will forward this comment to CE for their consideration.

- h. Economic considerations pertaining to the applicant shall not be the determining factor for a zone change (R-270-1980)

It is correct that economic considerations pertaining to the applicant cannot be the determining factor for a zone change, per the City Resolution governing zone change requests.

- i. More information needed on existing facilities operated by the applicant, e.g. NM Dept of Health reports, neighbor complaints, etc.

Annual reports to Code Enforcement for other CRPs may provide some of this information. Staff will forward the comment to CE.

While this information may be useful, also note that the proposed zoning and the future site development plan, which governs development on the site and sets density parameters for the use, would run with the land not the operator.

- j. No evidence of market need for project in this neighborhood

This type of financial issue is not considered directly by the EPC in the matter of zone changes. It is up to the applicant to assess market need and viability of a project.

- k. No way to assure long-term accountability of developer/operator/city to mitigate the impacts of the project, e.g. traffic, noise, pollution

AND

What, if any, would be the relationship between AGNA and the facility

An SU-1 zone, including the proposed zone, is enforced by the City based on a site development plan approved by the EPC through a public hearing process. A site development plan is a detailed document, that establishes everything from access, off-street parking, location and design of refuse enclosures, to building square footages and the maximum number of client/residents.

The facility would also be subject to CRP regulations in the Zoning Code. These include the requirement that the operator have a “workable, written plan for facilitating good relationships with neighboring residents..., including a method for recording and resolving complaints by neighbors pertaining to the operation of the program” (§14-16-3-12(A)(6)). In addition, the operator “shall send complaint procedures to each property-owner within 100 ft of the property...to facilitate good neighbor relations. Neighboring residents...may file...complaints with Zoning Enforcement Officer for review, investigation, and possible mediation” (§14-16-3-12(D)). The CRP regulations also include an annual review process “to assure that the program continues to function in accord with city regulations and the original terms of the city’s approval” (§14-16-3-12(E))

It is unclear what type(s) of pollution is/are of concern.

- l. Project will depress neighborhood property values.

Staff does not have any evidence to support this claim. Furthermore, this type of financial issue is not considered directly by the EPC in the matter of zone changes.

- m. Reference to a new “comprehensive long-range plan for the neighborhood that would provide decreasing density toward the Bosque”

Staff believes that the reference may be to the North Valley Character Study and Design Overlay Zone (April 2009 Draft). This planning effort by the City Council is underway, but no amended or new regulations have been adopted by the City Council to date that affect the request.

- n. The [Alvarado Gardens] neighborhood has a history of not supporting any kind of zone change

The EPC has a duty to consider each application for a zone change on a case-by-case basis and as justified by the applicant per Resolution 270-1980. Neighborhood views, and the basis for those views, along with other relevant factors are considered in the staff report and by the EPC.

VI. CONCLUSION

Residential assisted living is a permissive use in the existing RA-2 zone, but not on the scale proposed by the applicant. This warrants careful consideration of the density of the project within the context of this North Valley neighborhood and of its potential impacts for property-owners and residents in proximity to the site.

Staff finds that the applicant's justification for the zone change per R-270-1980 is lacking in citations to some applicable policies in the Comprehensive Plan and North Valley Area Plan, and in evidence to back up some of their arguments.

There is significant opposition to the request from property-owners and residents of the Alvarado Gardens neighborhood, including adjoining property-owners. Due primarily to a lack of time, not all the issues raised at the facilitated meeting and in written comments have been addressed in the staff report or by the applicant.

A 30-day deferral of EPC action on the request is recommended to allow the applicant to more fully respond to neighborhood concerns and complete their justification, and for staff to complete their research and analysis. Other issues for the applicant and EPC to consider are whether an amendment to the requested zoning descriptor is appropriate and desirable, and/or submittal of a full site development plan.

Nevertheless, staff believes that a first hearing on March 11th may be beneficial to clarify some of the facts related to the request. It would also provide for direct input by the applicant and other interested parties to the EPC, and an opportunity for questioning by the Commissioners.

FINDINGS – 10EPC-40001, March 11, 2010, Zone Map Amendment

1. The request is a zone map amendment from RA-2 to SU-1 for Residential Assisted Living for Lots 1 – 4, Campbell Estates, a site of approximately 1.3 acres located on Campbell Rd. NW between Trellis Dr. and the Albuquerque Riverside Drain.
2. The applicant is requesting the zone change because, although the use is allowed in the RA-2 zone, the number of residents in the facility (up to 60) would exceed the total of 10 residents that are permissive per the zoning district and Community Residential Programs regulations.
3. If the current request is approved, the applicant is required to return to the EPC within 6 months for site development plan approval, in order to complete the zone change.
4. The applicant provided an illustrative site development that meets the minimum requirements for a zone change to SU-1, but in this case additional information is desirable for a comprehensive evaluation of the zone change request by the EPC.
5. The site is in the Established Urban Area of the Comprehensive Plan and within the boundaries of the North Valley Area Plan.
6. The Albuquerque/Bernalillo County Comprehensive Plan, North Valley Area Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
7. Campbell Rd. is a local residential street that connects with Rio Grande Blvd. and two through streets in the Alvarado Gardens neighborhood, Trellis and Glenwood.
8. The proposed use would be enforced by the Zoning Enforcement Officer under the Community Residential Program Regulations (§14-16-3-12) and a site development plan approved under SU-1 zoning (§14-16-2-22).
9. The applicant provided a justification for the zone change per R-270-1980 , but it is deficient in the following respects:
 - a. Section B contains some inaccuracies related to other existing developments in the Alvarado Gardens neighborhood.

- b. The discussion in Sections C and D requires additional and clear citations to applicable policies and elements in city plans. More evidence-based arguments are also needed to demonstrate that the request does not conflict with city planning goals and policies and is more advantageous to the community than the existing zoning.
 - c. The response to Section E needs to be expanded to address significant concerns other than traffic that may impact adjacent properties and the neighborhood.
 - d. Section I needs to clarify how the proposed zone can be more clearly specified to ensure that the future development is compatible with the character of the surrounding neighborhood.
10. The Long Range Planning Division of the Planning Department commented that it is difficult to evaluate the appropriateness of the proposed zoning and use in this location without a complete site development plan. Concurrent submittal of a site development plan, as suggested by Long Range Planning, and/or limits on density within the SU-1 zoning descriptor merit further consideration by the applicant and the EPC.
11. Property-owners within 100', the Alvarado Gardens and Thomas Village NAs and the North Valley Coalition were notified of the request. A facilitated meeting was held on Feb. 22nd with participation from the Alvarado Gardens NA, Rio Grande Compound HOA, Rio Grande Blvd. NA and Rincon del Rio community (off Glenwood Dr.). All attendees were opposed to the zone change and some were interested in the possibility of a deferral. Written comments from adjacent property-owners and residents of Campbell Road and the wider neighborhood were received, which also express opposition and concern about the project.

RECOMMENDATION - 10EPC-40001, March 11, 2010

DEFERRAL of 10EPC-40001, a Zone Map Amendment from RA-2 to SU-1 for Residential Assisted Living, for Lots 1 – 4, Campbell Estates, for 30 days to the April 8, 2010 hearing, based on the preceding Findings.

***Carol Toffaleti
Planner***

cc: Thomas Gutierrez, 2818 Moya Rd. NW, Albuquerque, NM 87104
Matt Ayers, Albuquerque Preferred Assisted Living Inc., 5500 San Mateo NE #105, Albuquerque, NM 87109
Kiera Homann, Alvarado Gardens N.A., 2929 Trellis Dr. NW, Albuquerque, NM 87107
Talia Sledge, Alvarado Gardens N.A., 2930 Trellis Dr. NW, Albuquerque, NM 87107
Deborah Ridley, Thomas Village N.A., 3247 Calle de Deborah NW, Albuquerque, NM 87104
Diana McEnnerney, Thomas Village N.A., 3120 Don Quixote Dr. NW, Albuquerque, NM 87104
Chris Catechis, North Valley Coalition, 5733 Guadalupe Tr. NW, Albuquerque, NM 87107
Claude Morelli, North Valley Coalition, P.O. Box 70352, Albuquerque, NM 87197

Attachments

RA-2 §14-16-2-5

SU-1 §14-16-2-22

Community Residential Program and Emergency Shelter Regulations and Applications/Review Procedures (6/2008) *[Excerpts]*

email dated 3/1/2010 from the Executive Director of the All Faiths Receiving Home

Trip Generation Comparison from the City Traffic Engineer

R-09-17, Enactment R-2010-022, 1/15/2010

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Code Services

Our office did meet with several men last year to discuss the possibility of developing a community residential program and/or assisted living facility on these specific lots, zone RA-2. At this time the “sole” proposal was to develop an assisted living facility complex consisting of one facility on each lot and each facility would house more than 10 client residents.

A Zone Map Amendment, Zone Change From RA-2 To SU-1 for Residential Assisted Living Facility, would be required for such a use/development and the program would be subject to all the provisions of Section 14-16-3-12 (Community Residential Program Regulations) of the Comprehensive City Zoning Code, ROA 1994.

Office of Neighborhood Coordination

Alvarado Gardens NA (R)

Thomas Village NA (R)

North Valley Coalition

2/1/10 – Recommended for Facilitation – siw

2/3/10 – Assigned to Diane Grover – sdb

Long Range Planning

The lack of a complete site development plan (site plan, landscaping plan, grading & drainage plan, building elevations) makes it difficult to evaluate the appropriateness of this development and this use in this location. Questions remain about whether the final design of the facility will support or detract from the applicant's written justification for the zone map amendment. The applicant's justification letter makes no reference to the North Valley Area Plan (Rank II Area Plan) and its relevant goals and policies, including housing.

The development may be subject to Community Residential Program Regulations, Section 14-16-3-12. The Code Enforcement Division should be consulted to confirm or refute their applicability under the requested SU-1 zone designation.

CITY ENGINEER

Transportation Development Services

- Reviewed, no comments. However, the Site Development Plan will be reviewed and comments provided when officially submitted.

Hydrology

- The Hydrology Section has no objection to the zone map amendment.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

- Reviewed, and no comments regarding on-street bikeways, off-street trails or roadway system facilities.

Traffic Engineering Operations (Department of Municipal Development):

-